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BY ECF

January 18, 2022

Re: **United States v. Burgess, et al., 18 Cr. 373 (RJS)**

Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

The defendant's request for a revision to the briefing schedule is GRANTED. IT IS HEREBY ORDERED THAT the defendant shall file his Rule 33 motion by February 4, 2022; the government shall file its opposition brief by March 11, 2022; and the defendant shall file his reply brief by March 25, 2022.

Dear Judge Sullivan:

SO ORDERED: 
Dated: 1/19/2022 RICHARD J. SULLIVAN
U.S.C.J., Sitting by Designation

Pursuant to the Court's September 27, 2021 Memo Endorsement (ECF No. 868), we represent Ernest Murphy in the above-captioned matter as appointed counsel in connection with Mr. Murphy's contemplated filing of a Rule 33(b)(1) motion.

Since our last letter to the Court filed on December 8, we have been reviewing certain discovery previously produced by the Government following Mr. Murphy's trial, additional discovery that was produced for the first time on December 14, and information relating to more recent charges brought against Maurice Curtis. We realized late last week that we did not have copies of certain videos that were produced on the eve of trial, and the Government has agreed to produce them (we sent them a drive last week to accommodate the large video files, and we are hopeful to receive the production in the coming days). Accordingly, we respectfully request following two-week extension to the briefing schedule, to which the Government has consented:

- February 4: Mr. Murphy files his Rule 33(b)(1) motion (previously January 21).
- March 11: The Government files its opposition brief (previously February 25).
- March 25: Mr. Murphy files his reply brief (previously March 11).

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Assuming we receive the videos this week, we do not anticipate requesting any further extensions. If we do not receive the videos this week, we will update the Court promptly. We thank the Court for its consideration of this proposal.

Respectfully submitted,



Brooke E. Cucinella

cc: AUSA Elinor Tarlow (*by ECF*)
AUSA Jun Xiang (*by ECF*)
AUSA Matthew Hellman (*by ECF*)